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To: Examiner Greene
Company: U.S. Patent and Trademark Office
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From: Daniel G. Chapik
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Date: September 27, 2005

**Pages including this
cover page:** 5

Comments: RE: P-10732
Serial No. 10/672,228
Applicants: BERGELSON et al.
Filed: 09/26/2003
Title: SYSTEM AND METHOD FOR REAL-TIME REMOTE MONITORING OF
IMPLANTABLE MEDICAL DEVICES

Attached please find the following documents:

X Response After Final
X Transmittal

IF TELECOPY IS ILLEGIBLE OR ALL PAGES HAVE NOT BEEN RECEIVED, PLEASE CONTACT MOLLY MCCLELLAN AT TELEPHONE (763) 514-8862 IMMEDIATELY.

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DOCKET NO.: P-10732

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AMENDMENT TRANSMITTAL

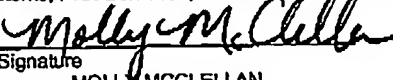
In re Application of: BERGELSON et al.

For: SYSTEM AND METHOD FOR REAL-TIME REMOTE MONITORING OF IMPLANTABLE MEDICAL DEVICES

Serial No.: 10/672,228

Filed: 09/26/2003

CERTIFICATE UNDER 37 CFR §1.8 I hereby certify that this **RESPONSE AFTER FINAL** and the paper(s), as described herein are being sent to telefacsimile No. (571) 273-8300, MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 27, 2005.


Signature
MOLLY MCCLELLAN
Printed Name

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

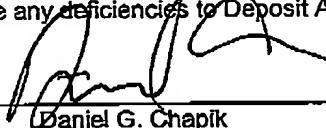
We are transmitting herewith the attached:

We are transmitting herewith the attached:
X **RESPONSE AFTER FINAL**

- ☐ Applicant requests a _____-month extension of time to respond to the _____ dated _____, from _____ to _____.
- ☐ Please charge Deposit Account No. 13-2546 \$ _____ for extension of time and \$ _____ for a TOTAL OF \$ _____. The Commissioner is authorized to charge any deficiencies, and credit any overpayments, to Deposit Account No. 13-2546.
- ☒ Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time. The Commissioner is authorized to charge any deficiencies to Deposit Account No. 13-2546.

Date

9/27/05


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael Bergelson et al. Examiner: Greene, Dana D.
Serial No. 10/672,228 Group Art: 3762
Filing Date: September 26, 2003 Docket No.: P-10732.00
Title: SYSTEM AND METHOD FOR REAL-TIME REMOTE
MONITORING OF IMPLANTABLE MEDICAL DEVICES

RESPONSE AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is in response to the Final Office Action mailed July 27, 2005, having a three-month statutory period for response set to expire on October 27, 2005.

REMARKS

In the above-referenced office action, the Examiner has maintained the previously cited rejections and made this action final. Applicant respectfully and strenuously traverses. Further, Applicant incorporates by reference the remarks made in the previous response.

The Examiner asserts that Applicant's arguments were fully considered and that a "prima facie" case of anticipation was provided. The Examiner further states, without support, that areas of Reinhold were cited that "do teach transmitted [sic] a plurality of EGM signals, receiving a signal from an IMD, modulating EGM signals from the IMD and transmitting the modulated signal."

This is wholly and factually incorrect. Reinhold teaches acquiring EKG signals from an external medical device. An EKG is not the same as an EGM. Thus, an EKG teaching does not anticipate a claimed EGM. An external device,